

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>TEETERING ROCK RANCH,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52459</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 23, 2010, Diane M. DeVries and Karen E. Hart presiding. Petitioner was represented by Jineen McWherter, Officer for Teetering Rock Ranch. Respondent was represented by Matthew A. Niznik, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**215 Brittany Drive, Florissant, Colorado
Teller County Schedule No. R0014495**

The subject property consists of an 871 square feet single-wide mobile home built in 1969, located on an 8.3 acre site. The mobile home title has been purged.

Petitioner is requesting an actual value of \$25,555.00 for the subject property for tax year 2009. Respondent assigned a value of \$34,849.00 to the subject property for tax year 2009.

The land is classified as Forest Agriculture with a 2009 actual value of \$172.00 and is not in dispute.

Petitioner's witness, Ms. Jineen McWherter, presented five comparable sales ranging in time adjusted sales price from \$51,862.00 to \$105,146.00 and in size from 672 to 1,216 square feet. No adjustments were made for location or physical differences. Petitioner calculated an average improvement age of 1974, average size of 886 square feet, and an average value of \$25,555.00.

Petitioner is requesting a 2009 actual value of \$25,555.00 for the subject property.

Respondent presented a value of \$34,849.00 for the subject property, including the land, based on the market approach for the improvements and the income approach for the agricultural land.

Respondent's witness, Janet L. Brooks, Teller County Assessor Office Chief Appraiser presented three comparable sales ranging in sales price from \$67,500.00 to \$110,000.00 and in size from 784 to 938 square feet. After adjustments were made, the sales ranged from \$51,179.00 to \$76,906.00 for the improvements only. During the hearing, Ms. Brooks accepted the condition of the subject property as badly worn, which changed the comparable sales range after adjustments to \$36,174.00 to \$61,901.00.

To value the mobile home only, Ms. Brooks extracted the land value from the comparable sales, made adjustments for time and physical differences, and added back the subject property's agricultural land value to arrive at the final value for the subject property.

Ms. Brooks' report indicated a mean value for the subject property's improvements of \$63,359.00 and a median value of \$61,994.00. Ms. Brooks did not conclude to a value other than the CBOE value of \$34,849.00.

Ms. Brooks did not personally inspect the subject property; it was last inspected by Assessor Office personnel in 2004.

Ms. Brooks testified that the Assessor's Office values both single-wide and double-wide mobile homes together in the category of purged mobile home. Regarding the utility services, Ms. Brooks testified that they are not valued separately; all of the comparable sales have full utility services, as does the subject property.

Respondent assigned an actual value of \$34,849.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

The Board has carefully considered all the evidence and testimony presented. There was insufficient detail regarding the sales presented by Petitioner to determine what adjustments, if any, should be applied to the sales. Averaging sale prices is not an acceptable appraisal methodology.

The Board is not convinced that combining double-wide mobile homes with single-wide mobile homes for valuation purposes results in a correct value for either type of mobile home as the buyer base may be differently motivated. However, for purposes of this hearing, Respondent presented only single-wide mobile home sales to value the subject property.

While the Board is not convinced that the higher indicated improvement mean and median values presented in Respondent's appraisal report are correct, Petitioner did not present sufficient

evidence to show that a value lower than the \$34,849.00 assigned to the subject property is warranted.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 5 day of November 2010.

BOARD OF ASSESSMENT APPEALS

Diane M DeVries

Diane M. DeVries

Karen E Hart

Karen E. Hart

I hereby certify that this is a true
and correct copy of the decision of
the Board of Assessment Appeals.

Amy Bruins

Amy Bruins

